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receives the "IAF Correction Document" postmarked thirty-one or more days after the due date.

- (3) ODJFS receives the initial quarterly submission of the facility's IAF data and the JFS 02222 postmarked from one to thirty days after the filing date, and ODJFS receives the "IAF Correction Document" postmarked after the due date.
 - (4) ODJFS receives the initial quarterly submission of the facility's IAF data and the JFS 02222 postmarked thirty-one or more days after the filing date.
 - (5) The facility continues to exceed the tolerance level even after the "IAF Correction Document(s)", received by ODJFS postmarked from one to thirty days after the "IAF Correction Document" due date, is/are processed.
 - (6) The facility continues to have facility level errors that prevent classification of records into RACS classes, even after the "IAF Correction Document(s)", and/or, as necessary, an original or amended JFS 02222 form(s) and submission of any additional IAF form(s), received by ODJFS postmarked from one to thirty days after the "IAF Correction Document" due date, is/are processed.
- (J) ODJFS may continue to use an assigned quarterly facility average case mix score, as defined by paragraph (D)(1) of this rule, in lieu of the facility's quarterly average case mix score calculated based on the facility's submitted information, as described in paragraph (L) of this rule, for the third month of the payment quarter if any of the following occurs:
- (1) ODJFS does not receive the initial quarterly submission of the IAF data and the JFS 02222 from the ICF-MR; or ODJFS receives the initial quarterly submission of the facility's IAF data and the JFS 02222 postmarked over sixty days after the filing date.
 - (2) ODJFS receives the initial quarterly submission of the facility's IAF data and the JFS 02222 postmarked on or before the filing date, the ICF-MR exceeds the tolerance level for defaulted records prior to corrections, and ODJFS receives the "IAF Correction Document" postmarked sixty or more days after the due date.
 - (3) ODJFS receives the initial quarterly submission of the facility's IAF data and the JFS 02222 postmarked from one to thirty days after the filing date, and ODJFS receives the "IAF Correction Document" postmarked over thirty days

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after the due date.

- (4) ODJFS receives the initial quarterly submission of the facility's IAF data and the JFS 02222 postmarked from thirty one to sixty days after the filing date, and ODJFS receives the "IAF Correction Document" postmarked after the due date.
 - (5) The facility continues to exceed the tolerance level even after the "IAF Correction Document(s)", received by ODJFS, postmarked over thirty days after the due date, is/are processed.
 - (6) The facility continues to have facility level errors that prevent classification of records into RACS classes, even after the "IAF Correction Document(s)", and/or an original or amended JFS 02222 form(s) and submission of any additional IAF form(s), received by ODJFS, postmarked over thirty days after the due date, is/are processed.
- (K) Effective with the data submitted for the reporting quarter ending March 31, 1995 and thereafter, assessment data and corrections received by ODJFS after the due date for corrections stated in paragraph (G)(3) of this rule shall not be processed unless:
- (1) ODJFS uses an assigned score in lieu of the facility's score for the first month of the payment quarter in accordance with paragraph (H) of this rule, and ODJFS receives corrections postmarked from one to thirty days after its due date that, when processed, enable ODJFS to use the facility's actual score for the second and third months of the payment quarter; or
 - (2) ODJFS uses an assigned score in lieu of the facility's score for the first and second months of the payment quarter in accordance with paragraph (H) and paragraph (I) of this rule, and ODJFS receives corrections postmarked from one to thirty days after its due date that, when processed, enable ODJFS to use the facility's actual score for the third month of the payment quarter; or
 - (3) ODJFS uses an assigned score in lieu of the facility's score for the second month of the payment quarter in accordance with paragraph (I)(2) of this rule, and ODJFS receives corrections postmarked from thirty-one to fifty-nine days after its due date that, when processed, enable ODJFS to use the facility's actual score for the third month of the payment quarter.
- (L) The quarterly facility average case mix score for ICFs-MR that submitted their IAF data and corrections timely, have no facility level errors and do not exceed the

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tolerance level for defaulted records is calculated as follows:

- (1) All residents' case mix scores for the quarter, including resident scores in the fifth RACS class remaining after the correction document due date, are added together.
 - (2) The sum of resident case mix scores is divided by the total number of residents.
- (M) The annual facility average case mix score is used to compute the cost per case mix unit for the ICF-MR and the direct care peer group maximum cost per case mix unit.

Effective for calendar year 1993 and thereafter, resident assessment data for all four quarters of the calendar year shall be used to calculate the annual facility average case mix score:

- (1) ODJFS-assigned facility average case mix scores as a result of late submissions of data, late submissions of corrections, exceeding the tolerance level for defaulted records or outstanding facility level errors, as described in paragraphs (H) to (J) of this rule, will be omitted from the facility's annual average case mix score calculation.
- (2) The annual facility average case mix score shall be calculated from no fewer than two acceptable quarterly average case mix scores. Acceptable quarterly facility average case mix scores shall be summed and divided by the total number of quarters of acceptable scores. Effective for calendar year 1995 and thereafter, acceptable quarterly average case mix scores for the purposes of calculating the annual facility average case mix score include, in order of hierarchy:
 - (a) Adjusted quarterly facility average case mix scores as a result of exception review findings, or
 - (b) Quarterly facility average case mix scores calculated based on the facility's submitted information as described in paragraph (L) of this rule and used for establishing the facility's direct care rate for at least one month of the payment quarter.
- (3) If at least two acceptable quarterly facility average case mix scores are not available by March thirty-first of the following calendar year, ODJFS shall assign the cost per case mix unit, as defined in paragraph (D)(2) of this rule.

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12/29/2003

Date

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Exception review process for intermediate care facilities for the mentally retarded.

(A) Definitions: The terms used in this rule have the same meaning as in rule 5101:3-3-77 of the Administrative Code, or are defined below:

(1) "Exception review" is a review conducted at selected intermediate care facilities for the mentally retarded (ICFs-MR) by appropriate health professionals employed by the Ohio department of job and family services (ODJFS), for purposes of identifying any patterns or trends related to the JFS 02221 "Ohio Individual Assessment Form Answer Sheet" submitted in accordance with rule 5101:3-3-75 of the Administrative Code, which result in inaccurate case mix scores being used to calculate the direct care rate.

(2) "Effective date of the rate" is the first day of the payment quarter.

(3) "Exception review tolerance level" is the level of variance between the facility and ODJFS in individual assessment form (IAF) assessment item responses affecting the resident assessment classification of a facility's residents. Two kinds of tolerance levels have been established for exception reviews: initial sample, and expanded review.

(a) "Initial sample tolerance level" is the percentage of unverifiable records found in the initial sample of resident records during the first phase of an exception review, below which no further review will be pursued. The exception review tolerance level for the initial sample of reviewed records from the most recent reporting quarter shall be fifteen per cent of the entire sample as set forth in appendix A of this rule.

(b) "Expanded review tolerance level" is an acceptable level of variance in the calculation of the quarterly facility average case mix score of the ICF-MR. The variance is calculated as a percentage difference between the score based on exception review findings compared to the score based on the submitted assessment records from the facility for that quarter.

(i) For an exception review of the most recent reporting quarter conducted before the effective date of the rate, the exception review tolerance level is a two per cent difference between the quarterly facility average case mix score based on exception review findings and the quarterly facility average case mix score from the facility's submitted IAF records.

(ii) For an exception review of a given reporting quarter conducted after

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the effective date of the rate, the exception review tolerance level is a three per cent difference between the quarterly facility average case mix score based on exception review findings and the quarterly facility average case mix score from the facility's submitted IAF records.

- (4) "Verified IAF record" is an JFS 02221, "Ohio Individual Assessment Form Answer Sheet," completed by the ICF-MR based on facility-supplied IAF assessment data, submitted to ODJFS for a resident for a specific reporting quarter which, upon examination by ODJFS, has been determined to accurately represent the aspects of the resident's condition, during the specified assessment timeframe, that affect the correct assignment of that record into the resident assessment classification system (RACS) case mix payment system. Verification activities include reviewing resident assessment forms and supporting documentation, conducting interviews, and observing residents. An "unverified IAF record" is one which, upon examination, has been determined to not accurately represent the resident's condition, and therefore results in the residents inaccurate assignment into the RACS system.
- (B) All exception reviews will comply with the applicable rules prescribed pursuant to Titles XVIII (01/02/01 <http://law2.house.gov/>) and XIX (01/02/01 <http://law2.house.gov/>) of the Social Security Act.
- (C) Selection: During the selection process, ODJFS may contact the facility for clarification of information. The facility may be able to satisfactorily resolve the department's concerns at this point and avert an on-site review. ICFs-MR may be selected for an exception review by ODJFS based on any of the following:
- (1) The findings of a certification survey conducted by the Ohio department of health that the facility has been issued a deficiency in the condition of participation: active treatment services, as defined by 42 CFR section 483.440 (10-1-02 edition <http://www.access.gpo.gov/nara/cfr/index.html>).
 - (2) A risk analysis profile of ICFs-MR with a sudden or drastic change in the frequency distribution of their residents in the RACS classes; or ICFs-MR for which other data indicate that the assessment information submitted by the facility may not result in accurate classification of the facility's residents in the RACS system.
 - (3) Prior resident assessment performance of the provider, including, but not limited to, ongoing problems with assessment submission deadlines, error rates, and incorrect assessment dates.

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of the Administrative Code.

- (O) Except for additional information submitted to ODJFS as part of the processes set forth in paragraphs (P) and (Q) of this rule, the ODJFS exception review determination for any resident case mix score shall be considered final and the ICF-MR may not correct or amend the IAF data or submit any additional information for that individual record after exception reviewers have concluded the on-site review. An ICF-MR may, however, continue to submit current changes using the IAF correction document in accordance with rule 5101:3-3-77 of the Administrative Code for individual records that were not subject to an exception review finding.
- (P) The ICFs-MR may seek reconsideration in accordance with paragraph (B) of rule 5101:3-3-24 of the Administrative Code for direct care rates recalculated as a result of an exception review conducted before the effective date of the rate.
- (Q) The findings of an exception review conducted after the effective date of the rate may be appealed under provisions of the Administrative Procedure Act, Chapter 119, of the Revised Code. ODJFS shall not withhold from the facility's current payments any amounts ODJFS claims to be due from the facility as a result of the exception review ~~finding~~ findings while the ~~ICFs-MR~~ ICF-MR is pursuing administrative remedies in good faith.

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APPENDIX A

EXCEPTION REVIEW RESIDENT INITIAL SAMPLE SELECTION

RESIDENT CENSUS ON REPORTING PERIOD END DATE (REFERENCE JFS 02222)	MINIMUM INITIAL SAMPLE SIZE REQUIRED
1-4	ALL
5-10	5
11-20	8
21-40	10
41-44	11
45-48	12
49-52	13
53-56	14
57-75	15
76-80	16
81-85	17
86-90	18
91-95	19
96-100	20
101-105	21
106-110	22
111-115	23
116-160	24
161-166	25
167-173	26
174-180	27
181-186	28
187-193	29
194-300	30

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